

Department for Natural Resources



THINKING OF TAKING GRAVEL FROM THE CREEK?

"PLEASE THINK AGAIN"

Revised 1-22-2013

Many landowners, county governments, and small enterprises routinely obtain gravel from creeks and streams for road maintenance and fill. While this is an inexpensive way to obtain gravel, it may also be **ILLEGAL**. Kentucky regulations require most activities removing creek gravel to obtain a permit from the Department for Natural Resources prior to removing gravel from a creek.

KRS 350:300 from which the regulations are derived, does include exemptions for creek gravel removal, “when conducted solely in the aid of on site farming or construction”.

Any activity other than on-site farming or construction that removes creek gravel shall obtain a permit from the Department prior to any disturbance of such activity. This permit shall include any land disturbance created on the banks of the creek but the permitted area will not extend into the creek itself.

Creek gravel removal is regulated by the Non-Coal Branch in the Division of Mine Reclamation and Enforcement. 405 KAR 5:015 states “Mineral operations subject to 405 KAR Chapter 5, include: mining of limestone and dolomite; mining of sand and gravel, surface disturbance of dredging of river or creek sand and gravel; mining of clay; mining of fluorspar and other vein minerals. Mineral operations include the surface disturbance of underground mining as well as strip mining.”

Anyone removing gravel from a creek without a permit for purposes other than on-site farming or construction is subject to citation and monetary penalties up to \$5,000 per day. Some guidelines for obtaining a non coal permit are listed in this brochure. Should you have a question as to whether your activity requires a permit, DNR will be happy to discuss your plans with you to determine if a permit is necessary. Think before you act! Call the Kentucky Department for Natural Resources at (502) 564-2340 and ask for the non-coal branch. The call will pay for itself.

Examples of stream degradation from Creek Gravel removal



The above photo shows how creek gravel removal damages the creek by creating a dam which can cause potential flooding.



The above photo shows degradation of the stream due to the creation of a dam which can cause flooding and the trapping of contaminants such as diesel, oil and grease from equipment.

In order to obtain a non-coal mineral operations surface mining permit, you should:

- Be able to prove right of entry to the proposed mining site
 - Obtain the services of a Professional Engineer registered in Kentucky to complete mine maps, design etc.
 - Contact Mark Tarter, Branch Manager of the Non-Coal Branch to obtain a permit number and an application for creek gravel removal.
 - Advertise the mineral operation in the largest bona fide circulated newspaper in the county
 - Submit a completed application form along with all attachments required such as maps, designs, etc. (one original and three copies)
-
- ❖ Additional information may be required depending on the location of the proposed permit area
 - ❖ All permits from other agencies, such as DOW, Corps of Engineers and Fish and Wildlife if necessary, shall be obtained prior to issuance.
 - ❖ A time schedule for issuance cannot be predicted, however, as a general rule applications usually have a decision within two-three months. It should be noted that the regulations allow for public participation meetings, if requested. This, and other agency permit requirements, may extend the permitting process.

**Department for Natural Resources
Division of Mine Reclamation and Enforcement
(502) 564-2340**

CONTACTS:

- ❖ Billy Ratliff, Director (ext. 501)

- ❖ James McKenzie, Assistant Director (ext. 501)

- ❖ Mark Tarter, Non-Coal Review Branch Manager (ext. 508)